



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

ELP  
Docket No. 5560-00  
22 January 2001

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel for the Board for Correction of Navy Records, sitting in executive session, considered your application on 18 January 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 9 May 1977 for four years as an AMS3 (E-4). At the time of your reenlistment, you had completed nearly four years of prior active service.

The record reflects that you served for a year without incident. However, during the 22-month period from May 1978 to March 1980 you received a nonjudicial punishment (NJP) and were convicted by two special courts-martial. Your offenses consisted of two instances of disrespect, dereliction of duty, and six periods of unauthorized absence (UA) totalling about 67 days. While you were awaiting trial for a second special court-martial, you went UA for an additional 68 days, for which no disciplinary action was taken.

On 31 October 1980 you received your second NJP for an eight day period of UA. The following day you were notified that you were being considered for discharge under other than honorable conditions by reason of misconduct due to frequent involvement of

a discreditable nature with military authorities. You were advised of your procedural rights, declined to consult with legal counsel, and waived your right to present your case to an administrative discharge board. Thereafter, the commanding officer recommended discharge under other than honorable conditions by reason of misconduct.

On 1 December 1980, the Chief of Naval Personnel directed that you be separated by reason of convenience of the government due to substandard personal behavior with the type of discharge warranted by the service record. You were honorably discharged on 20 January 1981 and assigned an RE-4 reenlistment code.

Regulations required the assignment of an RE-4 reenlistment code to individuals discharged by reason of substandard personal behavior. Since you were treated no differently than others separated for that reason the Board could find no error or injustice in your assigned reenlistment code. The Board believed you were extremely fortunate that the Chief of Naval Personnel directed an honorable discharge since most individuals with records such as yours are discharged under other than honorable conditions. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director